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Department of Public Health*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREE NOW FOUNDATION, et al.,

Plaintiffs,

v.

**TOMAS ARAGON IN HIS OFFICIAL
CAPACITY AS DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF
PUBLIC HEALTH, et al.,**

Defendants.

2:24-cv-03523-DJC-SCR

**STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
FIRST AMENDED COMPLAINT**

Current Deadline: May 20, 2025
Stipulated Deadline: June 24, 2025

Courtroom: 7
Judge: The Hon. Daniel J. Calabretta
Action Filed: December 16, 2024

1 Plaintiffs Free Now Foundation, Brave and Free Santa Cruz, Minor Child #1, Mother and
2 Father of Minor Child #1, Minor Child #2, Mother of Minor Child #2, Minor Child #3, Mother,
3 Father, and Adult Brother of Minor Child #3, Minor Child #4, Mother and Father of Minor Child
4 #4 (collectively, Plaintiffs) and Defendant Tomás Aragón¹, in his official capacity as the Director
5 of the California Department of Public Health (CDPH Director or Defendant), by and through
6 their attorneys of record, hereby stipulate to extend the CDPH Director's responsive pleading
7 deadline by five weeks, from May 20, 2025, to June 24, 2025, as follows:

- 8 1. Whereas, Plaintiffs filed their first amended complaint on March 24, 2025, and
- 9 2. Whereas, Defendant's responsive pleading deadline is May 20, 2025, and
- 10 3. Whereas, Plaintiffs filed a motion for leave to amend on May 6, 2025, and
- 11 4. Whereas, Defendant does not oppose Plaintiffs' motion for leave to amend, and
- 12 5. Whereas, the hearing on Plaintiffs' motion for leave to amend is set for June 12,
- 13 2025.

14 6. Good cause exists for this extension. Plaintiffs intend to file a second amended
15 complaint and a motion for preliminary injunction. To conserve judicial resources, the parties
16 agree that Defendant's time for filing a motion to dismiss Plaintiffs' first amended complaint
17 should be extended as requested since the need for the response is likely to be obviated by
18 Plaintiffs' filing of a second amended complaint.

19 7. This is the parties' second request to extend Defendant's deadline to respond to
20 Plaintiffs' First Amended Complaint. The extension will not prejudice any party.

21 8. Accordingly, the parties stipulate that Defendant's responsive pleading deadline is
22 extended by five weeks, from May 20, 2025, to June 24, 2025.

23 IT IS HEREBY STIPULATED.

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28 ¹ As of February 1, 2025, Dr. Erica Pan is the Director of the California Department of
Public Health.

1 Dated: May 16, 2025

Respectfully submitted,

2 ROB BONTA
Attorney General of California
3 JENNIFER PERKELL
Supervising Deputy Attorney General
4

5
6 */s/ Jacquelyn Young*
JAQUELYN YOUNG
7 KATHERINE GRAINGER
Deputy Attorneys General
8 *Attorneys for Defendant Tomás Aragón, in*
his official capacity as the Director of the
9 *California Department of Public Health*

10 Dated: May 16, 2025

LAW OFFICE OF RICHARD B. FOX, J.D., M.D.

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12 */s/ Richard Fox*
13 RICHARD B. FOX, J.D., M.D.
14 *Attorneys for Plaintiffs*
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ORDER

The Court, having read and considered the stipulation filed on behalf of Plaintiffs and Defendant Tomás Aragón, in his official capacity as the Director of the California Department of Public Health (CDPH Director), and finding GOOD CAUSE thereon, hereby grants the stipulated extension of time for Defendant CDPH Director Aragón to respond to Plaintiffs' First Amended Complaint.

IT IS HEREBY ORDERED that Defendant CDPH Director Tomas Aragón shall file his response to the First Amended Complaint on or before June 24, 2025.

Dated: May 16, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE